Appl. No. 09/918,761

Amdt. mailed January 5, 2005

Reply to Office Notification of Non- Responsive Amendment of 12/292004,

Remarks / Arguments

The applicant's reply filed on September 9, 2004 was not found fully responsive to the prior Office Action of 06/10/2004, for reasons of presenting arguments as to how claims 14, 15, 19, and 20, were novel over Firks under 35 U.S.C. 102(b)

In page five of the Examiners action of June 10, 2004, claims 14, 15, 19, and 20, were cited as being anticipated by Firks (US 3889736). The Examiner states that in Firks, figures 2, 3, an articulated joint or connection is comprised of a first object (frame 26), bearing a recess 35, 36, 39, 41 to house sleeve 23, wherein the shape of the recess is different than the sleeve because the portion of the recess defined by the groove 41does not exactly follow the shape of the lower portion 48 of the sleeve.

The applicant respectfully argues that the shape of the recess defined by grove portion 41 is in geometric conformity to the portion of the sleeve 48, as (col. 2 line25-29) "The lower portion (48) is retained in a deep narrow grove cut into the panel edge, and is preferably serrated to secure the retainer strip in place." For serrations to work, in binding a retainer slip, or sleeve to a recess, requires tolerances wherein serrations mechanically bind, (with or without adhesives), unlike the Present Invention. The serrations of Fisk are clearly friction fit parts, which is obviated under the Present Invention.

The Examiner cites col. 4, lines 17-19 "Adhesives, brads, etc. may be employed to supplement the securing effect of the serrations **49**." However, serrations 49 represent a mechanical fastening system, wherein adhesives are secondary, and joinery beyond the tolerances of said serrations are

not considered. Here Firks is including a mechanical connection of the hardware variety, with supplemental options of adhesives, but not a joinery technique employing the melding of dissimilar objects, outside of geometric conformity. Further the recess of the Present Invention is a simple shape, whereas Firks requires a complex recess; parts 35, 36, 39, 41. Nowhere in Firks is something representing the tolerances of the Present Invention, or the dissimilarity of shapes possible under the Present Invention suggested. The Present Invention is novel in its ability to employ simpler shapes, which is significant in a crowded art.

Further, the geometric requirements of Firks of solid material 68, 65; 59, 56 double the complexity required under the Present Invention. Simply said, parts 65 and 56 are not necessary under the Present Invention, which was never anticipated in Firks.

Likewise the "groove 36, 41" described in Col. 4, lines 9-10, represents an un-necessarily complex shape. It is within the grasp of anyone with a table saw to cut a square shaped dado to form the recess of the Present Invention. The groove of Fisk requires more complex tooling and multiple passes through the material to be fabricated, which is a significant disadvantage in production. For this reason the Present Invention also scales far better than Firks, as cutters must be fabricated or purchased for each size of the rounded groove section 39, of Firks. Unlike Firks, the Present Invention readily scales from furniture, to machine ways, to architectural requirements.

The simplicity of the Present Invention: 50% fewer parts on the solid material as stated above, and conservatively equal savings on the complexity of the groove portion when multiple passes are considered; and issues of shape complexity and scalability are factored in, were never anticipated by Firks.

The Examiner continues, "the sleeve 23 is largely circular through its undercut channel (col. 4, lines 13-14) and has outer portions the same shape as the semi-circular bottom wall 39 of the recess (col. 4, line 1) and therefore meets the limitation of being largely circular." The Present Invention does not require that the bottom wall 39 of the recess be semi-circular.

The Examiner further states that the solid material 68, 65 in figure 2 and 59, 56 in figure 3 define a rod-shape. The applicant respectfully submits that a rod shape may only be defined with the omission of parts 65, 56, which was never anticipated by Firks.

The applicant respectfully submits that the advantages of the Present Invention are significant for reasons of fabrication, scalability, and economy, and could not be implied as being anticipated by Firks.

The applicant is also extremely grateful for the Examiners patience with the applicant's failure to present these arguments in the previous response.